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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CARMINE J. PEPE,	:	
	:	
Plaintiff,	:	No. 06 Civ. 5449 (BMC/SMG)
	:	
- against -	:	
	:	<u>NOTICE OF MOTION</u>
THE NEWSPAPER AND MAIL	:	
DELIVERERS'-PUBLISHERS' PENSION	:	
FUND AND THE TRUSTEES OF THE	:	
NEWSPAPER AND MAIL DELIVERERS'-	:	ECF CASE
PUBLISHERS' PENSION FUND.	:	
	:	
Defendants.	:	
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PLEASE TAKE NOTICE that, upon the annexed affidavit of Russell L. Hirschhorn, Esq. and exhibits thereto, and upon Defendants Newspaper and Mail Deliverers' Publishers' Pension Fund ("Pension Fund") and The Trustees of The Newspaper and Mail Deliverers' Publishers' Pension Fund (collectively, the "Defendants") Rule 56.1 Statement, and the accompanying memorandum of law, and all the pleadings and proceedings had herein, Defendants will move this Court before the Honorable Brian M. Cogan, at a date and time to be set by the Court, in the United States Courthouse, Eastern District of New York, United States District Court, 225 Cadman Plaza East, Brooklyn, NY 11201, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting Defendants' motion for summary judgment of Plaintiff's Complaint,

dismissing Plaintiff's Complaint and awarding Defendants further relief as the Court may deem just and proper.

Dated: New York, NY
December 20, 2006

Respectfully Submitted,
PROSKAUER ROSE LLP

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